

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS LEE PICKETT,

Defendant.

Case No. 09-20195

Honorable John Corbett O'Meara

**ORDER DENYING
DEFENDANT'S OCTOBER 29, 2009 MOTION TO ALLOW POLYGRAPH RESULTS**

This matter came before the court on defendant Thomas Lee Pickett's October 29, 2009 Motion to Allow Results of Polygraph Examinations to be Admitted into Evidence at Evidentiary Hearing on Motion to Suppress. The government filed a response November 3, 2009. Pursuant to Local Rule 7.1(e)(2), no oral argument was heard.

Defendant Thomas Lee Pickett seeks to have admitted the results of private polygraph examinations of him and his wife on the issue of whether he revoked his consent to have the Oakland County Sheriff's Department examine his digital camera.

"[T]he general rule [is] that polygraph evidence is inadmissible." United States v. Logan, 187 F.3d 639 (6th Cir. 1999). In United States v. Thomas, 167 F.3d 299 (6th Cir. 1999), the United States Court of Appeals for the Sixth Circuit affirmed a district court's refusal to admit polygraph results and held that "admitting [them] would have been subject to reversal by this court." Id. at 309.

In addition to the inherently unreliable nature of polygraphs in general, "unilaterally obtained polygraph evidence," like that at issue in this case, "is almost never admissible under Evidence Rule

403." United States v. Sherlin, 67 F.3d 1208, 1216 (6th Cir. 1995). Accordingly, the court will deny defendant Pickett's motion.

ORDER

It is hereby **ORDERED** that defendant Pickett's October 29, 2009 Motion to Allow Results of Polygraph Examinations is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: December 8, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 8, 2009, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager